

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ANDREW JAMES GARZA,

Plaintiff,

v.

HECTOR DOF, et al.,

Defendants.

No. 1:23-cv-01027-KES-BAM

**ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DISMISSING
ACTION, WITHOUT PREJUDICE, FOR
FAILURE TO PROSECUTE AND FAILURE
TO OBEY COURT ORDERS.**

(Doc. 4)

Plaintiff Andrew James Garza, proceeding pro se, initiated this civil action on July 10, 2023. (Doc. 1.) This matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On October 10, 2023, the assigned Magistrate Judge issued findings and recommendations that recommended this action be dismissed, with prejudice, for Plaintiff's failure to obey the Court's order and failure to prosecute. (Doc. 4.) The findings and recommendations were served on Plaintiff and contained notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at 4.) The time for filing objections has passed and no objections have been filed. The findings and recommendations were returned as undeliverable on October 23, 2023. (*See* docket.)

In accordance with the provisions of 28 U.S.C. § 636 (b)(1), this Court has conducted a de

1 novo review of this case. Having carefully reviewed the entire file, the Court finds the findings
2 and recommendations to be supported by the record and by proper analysis, except that the Court
3 finds the dismissal should be without prejudice.

4 Accordingly,

- 5 1. The Findings and Recommendations issued on October 10, 2023 (Doc. 4) are
6 ADOPTED in FULL, except that the Court orders the dismissal without prejudice;
- 7 2. This action is DISMISSED, without prejudice, for Plaintiff's failure to obey the
8 Court's order and failure to prosecute this action; and
- 9 3. The Clerk of the Court is directed to CLOSE this case.

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12 IT IS SO ORDERED.

13 Dated: March 28, 2024

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UNITED STATES DISTRICT JUDGE